

TRANSITIONAL ADMINISTRATION REPORT EAST TIMOR

Note: this report is included as supplementary reading for the case study in the Post-Conflict module of the Gender and Peace Support Operations course. In particular, the participant should note SECTION 2.

UNTAET/REG/1991/1
27 November 1999

REGULATION NO. 1999/1 ON THE AUTHORITY OF THE TRANSITIONAL ADMINISTRATION IN EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Recalling resolution 1272 (1999) of 25 October 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided to establish a United Nations Transitional Administration in East Timor (UNTAET), endowed with overall responsibility for the administration of East Timor empowered to exercise all legislative and executive authority, including the administration of justice, with the mandate as described in the resolution;

Acting pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999, after consultation with representatives of the East Timorese people, and for the purpose of establishing and maintaining an effective transitional administration in East Timor;

Hereby promulgates the following:

Section 1

Authority of the interim administration

1.1 All legislative and executive authority with respect to East Timor, including the administration of the judiciary, is vested in UNTAET and is exercised by the Transitional Administrator. In exercising these functions the Transitional Administrator shall consult and cooperate closely with representatives of the East Timorese people.

1.2 The Transitional Administrator may appoint any person to perform functions in the civil administration in East Timor, including the judiciary, or remove such person. Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations and directives issued by the Transitional Administrator.

Section 2

Observance of internationally recognized standards

In exercising their functions, all persons undertaking public duties or holding public office in East Timor shall observe internationally recognized human rights standards, as reflected, in particular, in:

The Universal Declaration on Human Rights of 10 December 1948; The International Covenant on Civil and Political Rights of 16 December 1966 and its Protocols; The International Covenant on Economic, Social and Cultural Rights of 16 December 1966; The Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965; The Convention on the Elimination of All Forms of Discrimination against Women of 17 December 1979; The Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment of 17 December 1984; The International Convention on the Rights of the Child of 20 November 1989.

They shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or all other status.

Section 3

Applicable law in East Timor

3.1 Until replaced by UNTAET regulations or subsequent legislation of democratically established institutions of East Timor, the laws applied in East Timor prior to 25 October 1999 shall apply in East Timor insofar as they do not conflict with the standards referred to in section 2, the fulfillment of the mandate given to UNTAET under United Nations Security Council resolution 1272 (1999), or the present or any other regulation and directive issued by the Transitional Administrator.

3.2 Without prejudice to the review of other legislation, the following laws, which do not comply with the standards referred to in section 2 and 3 of the present regulation, as well as any subsequent amendments to these laws and their administrative regulations, shall no longer be applied in East Timor:

- Law on Anti-Subversion;
- Law on Social Organizations;
- Law on National Security;
- Law on National Protection and Defense;
- Law on Mobilization and Demobilization;
- Law on Defense and Security.

3.3 Capital punishment is abolished.

Section 4

Regulations issued by UNTAET

In the performance of the duties entrusted to the transitional administration under United Nations Security Council resolution 1272 (1999), the Transitional Administrator will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by the Transitional Administrator or superseded by such rules as are issued upon the transfer of UNTAET's administrative and public service functions to the democratic institutions of East Timor, as provided for in United Nations Security Council resolution 1272 (1999).

Section 5

Entry into force and promulgation of regulations issued by UNTAET

5.1 The promulgation of any UNTAET regulation requires the approval and the signature of the Transitional Administrator. The regulation shall enter into force upon the date specified therein.

5.2 UNTAET regulations shall be issued in English, Portuguese and Bahasa Indonesian. Translations in Tetun shall be made available as required. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication.

5.3 UNTAET regulations shall bear the symbol UNTAET/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of entry into force, the subject matter and amendments or changes thereto or the repeal or suspension thereof.

Section 6

Directives

6.1 The Transitional Administrator shall have the power to issue administrative directives in relation to the implementation of regulations promulgated.

6.2 The provisions of section 5 shall apply also to administrative directives. They shall bear the symbol of UNTAET/DIR/, followed by the year of issuance and the issuance number of that year.

Section 7

Administration of property

7.1 UNTAET shall administer immovable or movable property, including monies, bank accounts, and other property of, or registered in the name of the Republic of Indonesia, or any of its subsidiary organs and agencies, which is in the territory of East Timor.

7.2 UNTAET shall also administer any property, both as specified in section 7.1 of the present regulation and privately owned that was abandoned after 30 August 1999, the date of the popular consultation, until such time as the lawful owners are determined.

Section 8

Entry into force

The present regulation shall be deemed to have entered into force as of 25 October 1999, the date of adoption by the United Nations Security Council of resolution 1272 (1999).

(Signed)

Sergio Vieira de Mello
Transitional Administrator